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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,727	04/20/2001	Paul F. Struhsaker	WEST14-00029	1216

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EXAMINER

TRINH, TAN H

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

3

Office Action Summary

Application No.

09/839,727

Applicant(s)

STRUHSAKER, PAUL F.

Examiner

TAN TRINH

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 6 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

REJECTION

DETAILED ACTION

Allowable Subject Matter

1. Claims 6, 12-14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for allowance

2. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 6, the prior art of record fail to teach or suggest, the apparatus of claim 5, wherein the assistance center comprises an emergency dispatch center having a pseudo-universal dialing code associated therewith, wherein the priority call comprises an emergency call, and wherein the dialing-digit signal generated by said dialing-digit signal generator is of values corresponding to the pseudo-universal dialing code associated with the emergency dispatch center when the user actuates the actuation keypad to cause entry of the dialing digits forming the pseudo-universal dialing code, as cited in claim 6.

Regarding claim 12, the prior art of record fail to teach or suggest, the apparatus of claim 11, wherein the correspondent node comprises an emergency dispatch center having a pseudo-universal dialing code associated therewith, wherein the dialing digit indication signal to which said dialing digit indication detector is coupled to receive indications thereof is of values corresponding to the pseudo-universal dialing code and wherein said resource reallocator reallocates the communication resources to provide

Art Unit: 2684

communication resources to establish a call between the subscriber station and the emergency dispatch center.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uhlik (U.S. Patent No. 6,600,914) in view of Sheynblat (U.S. Pub. No. 20020171581).

Regarding claim 1, Uhlik teaches the multi-user FWA (fixed wireless access) communication system in which a plurality of subscriber stations are operable to communicate by way of radio links with network infrastructure to which a correspondent node is coupled, an improvement of apparatus for a selected subscriber station of the plurality of subscriber stations at which a call of selected call-type is selectably originated (see fig. 1A-B, col. 1, lines 26-36), the apparatus comprising: a call establishment message generator coupled to receive an indication of initiation at the selected subscriber station of origination of the call (see fig. 1A, call establishment message generator 108, col. 1, lines 56-67, col. 5, lines 1-9), the call establishment message generator for generating a call establishment message for communication to the network infrastructure to initiate call set-up procedures precursing a request to establish the call between the selected subscriber station and the correspondent node (see fig. 1A and fig. 2, col. 1, lines 56-67, col. 2, lines 5-17); the response detector coupled to receive an indication of a network-infrastructure generated response to the call establishment message generated by

Art Unit: 2684

the call establishment message generator (see col. 1, lines 56-62), the response detector for detecting whether the response to the call establishment message indicates communication resources to be available to establish the call (see col. 1, lines 55-62); and a call set-up emulator coupled to the response detector (see fig. 1A, col. 1, lines 56-64, col. 5, lines 57-67), the call set-up emulator operable to emulate at the selected subscriber station normal call set-up operations thereat at least for a selected period responsive to detection by the response detector of unavailability of the communication resources to establish a priority call (see figs. 2-3A, col. 5, lines 1-10, lines 57-67 and col. 7, lines 61-col. 8, lines 33). But Uhlik fails to teach the correspondent node comprises an emergency dispatch center having a pseudo-universal dialing code associated therewith for the priority call.

However, Sheynblat teaches the correspondent node comprises an emergency dispatch center having a pseudo-universal dialing code associated therewith for the priority call (see fig. 12, Public safety answering point 722 and 724, page 11, session [0128, lines 14-15, and page 12, session [0131])).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Uhlik system and by the providing of the teaching on emergency dispatch center having a pseudo-automatic number identifier technique thereto in order to provide emergency dispatch center for distributing location-based on position information.

Regarding claim 2, Uhlik teaches the call set-up emulator comprises a dial-tone generator (see fig. 1A, DTMF converter 103), the dial-tone generator for generating an

Art Unit: 2684

audio dial-tone at the selected subscriber station responsive to detection by the response detector of the unavailability of the communication resources (see col. 2, lines 5-17).

Regarding claim 3, Uhlik teaches wherein the subscriber station comprises a telephonic station having an actuation keypad actuatable by a user to enter dialing digits associated with the correspondent node and wherein generation of the audio dial-tone by the dial-tone generator is terminated upon commencement of entry of the dialing digits (see fig. 1A, and fig. 2, user dials number 209, col. 9, lines 1-20).

Regarding claim 4, Uhlik teaches the dialing digit signal generator coupled to receive indications of entry of the dialing digits at the actuation keypad the dialing-digit signal generator for generating a dialing-digit indication signal for communication to the network infrastructure pursuant to the request to establish the call between the subscriber station and the correspondent node (see fig. 1A and fig. 2, col. 8, lines 44-59).

Regarding claim 5, Uhlik teaches the correspondent node comprises an assistance center having a dialing code formed of dialing digits associated with the assistance center, wherein the call of the selected call-type comprises a priority call, and wherein the dialing-digit signal generated by said dialing-digit signal generator is of values corresponding to the dialing code associated with the assistance center when the user actuates the actuation keypad to cause entry of the dialing digits forming the dialing code associated with the assistance center (see col. 3, lines 61-col. 4, lines 15).

Regarding claim 7, Uhlik teaches the call establishment message detector coupled to receive indications of receipt at the network infrastructure of the call establishment message; and a response generator coupled to the call establishment message detector, the response generator for generating the response to the call establishment message (see figs. 1A, 3A, col. 5, lines 57-67).

Regarding claim 8, Uhlik teaches the communication resource availability determiner operable responsive to detection of the call establishment message by the call establishment message detector, the communication resource availability determiner for determining whether communications resources are available to establish the call (see col. 2, lines 5-26, col. 7, lines 21-31).

Regarding claim 9, Uhlik teaches the network infrastructure is coupled to the correspondent node by way of a network backbone, and wherein the communication resource availability determiner determines both whether communication resources are available upon the network backbone to establish the call and whether communication resources are available upon the radio links to establish the call (see col. 1, lines 26-36, lines 56-67, col. 2, lines 5-25).

Regarding claim 10, Uhlik teaches wherein the subscriber station further sends a dialing digit indication signal to the network infrastructure and wherein the apparatus for the network infrastructure further comprises a dialing digit indication detector coupled to receive indications of receipt at the network infrastructure of the dialing digit indication signal (see figs. 1A, 3A, col. 5, lines 57-67, col. 7, lines 21-31, col. 13, lines 13-26).

Regarding claim 11, Uhlik teaches the resource reallocator coupled to the dialing

Art Unit: 2684

digit indication detector and to the resource availability determiner, the resource reallocator selectably operable to reallocate communication resources in the multi-user FWA communication system responsive to selected values contained in the dialing digit indication signal detected by the dialing digit indication detector (see col. 9, lines 52-67, col. 16, lines 51-56, col. 20, lines 60-64).

Response to Arguments

5. Applicant's arguments with respect to claims 1-5, 7-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Voit (U.S. patent No. 5,659,605) discloses method and apparatus for providing soft dial tone using office equipment designators.

Art Unit: 2684

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

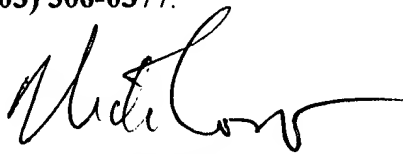
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622.

The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh
Art Unit 2684
June 4, 2004


**NICK CORSARO
PATENT EXAMINER**